

2017-259-T

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C. Lessie Hammonds
Counsel for ORS

August 11, 2017

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Petition of the South Carolina Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers for Failure to Maintain and File Evidence of Insurance
Docket No. 2017- -T

Dear Ms. Boyd:

Please find enclosed for this docket, the South Carolina Office of Regulatory Staff's Petition to Revoke certificates of certain motor carriers for failure to maintain and file evidence of insurance.

Sincerely,

C. Lessie Hammonds

Encl.

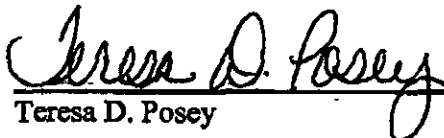
cc: All Parties of Record (via U.S. Mail)
Joseph Melchers, Esquire (via U.S. Mail)

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017--T

IN RE: Petition of the South Carolina Office of)
Regulatory Staff to Revoke Certificates of) **CERTIFICATE OF**
Public Convenience and Necessity of Certain) **SERVICE**
Motor Carriers for Failure to Maintain and)
File Evidence of Insurance)

This is to certify that I, Teresa D. Posey, have this date served one (1) copy of the **PETITION TO REVOKE FOR FAILURE TO MAINTAIN AND FILE EVIDENCE OF INSURANCE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

[PLEASE FIND LIST OF PARTIES SERVED ON THE FOLLOWING PAGES]


Teresa D. Posey

August 11, 2017
Columbia, South Carolina

No.	Docket #	Cert Type	NAME	DBA	ADDRESS	CITY	STATE	ZIP CODE
1	2014-242-T	Class E HHG	1st Choice Movers, LLC	1st Choice Movers	3026 Crestview Ln	Lancaster	SC	29720
2	2005-48-T	Class C Charter Bus	AA Extreme Limousine of Myrtle Beach, Inc.		PO Box 7122	Myrtle Beach	SC	29572
3	2014-27-T	Class C Taxi	Apex Transportation LLC		230 Sienna Dr	Little River	SC	29566
4	2008-96-T	Class C Taxi	Applejack Taxi, LLC		1149 Brookwood Circle	West Columbia	SC	29169
5	2012-95-T	Class C Charter	Archer Limousine, LLC		2440 Ivy Creek Ford	York	SC	29745
6	2016-361-T	Class C Non-Emer	Aurelyn Labrew	Labrew Transportation	PO Box 23834	Columbia	SC	29224
7	2015-71-T	Class C Non-Emer	Bizzy Kidz Kab Company LLC		2764 Pleasant Rd #11223	Fort Mill	SC	29708
8	2007-339-T	Class C Taxi	Carolinas Cab Company		107 Hampton Hill Ct	Fort Mill	SC	29715
9	2012-155-T	Class C Charter Bus	CCA Charters, LLC	Travel Time Charters	3751 Douglas-Broxton Hwy	Douglas	GA	31533
10	2015-350-T	Class C Taxi	Christine Nelson Harper	Christine's Transportation Services	4774 Luella Ave	N Charleston	SC	29405
11	2016-24-T	Class C Non-Emer	Community Transit Care LLC		726C N Maple St	Pageland	SC	29728
12	2003-173-T	Class C Taxi	David Lee Lesesne		1121 Hurley Dr	Sumter	SC	29150
13	2011-237-T	Class C Non-Emer	DDR Serenity Transportation LLP		PO Box 191	Walterboro	SC	29488
14	2014-411-T	Class C Non-Emer	Dease Services LLC		1791 S Center Rd	Darlington	SC	29532
15	2012-157-T	Class C Charter Bus	Double M Charters LLC		PO Box 7862	Ocean Isle Beach	NC	28469
16	2016-301-T	Class C Stretcher Van	Executive Medical Transportation, Ltd. Co.		278 Sessions Rd	Elgin	SC	29045
17	2016-300-T	Class C Non-Emer	Executive Medical Transportation, Ltd. Co.		278 Sessions Rd	Elgin	SC	29045
18	2009-161-T	Class C Taxi	George Footman	Footy's Taxi	8441 Preakness Dr Lot 220	North Charleston	SC	29420
19	2007-90-T	Class C Charter	Gibbs Transportation Services, LLC		PO Box 24274	Greenville	SC	29616
20	1997-439-T	Class E HHG	Island Moving Professionals, LLC		318 Hibben St	Mt Pleasant	SC	29464
21	2014-369-T	Class C Charter	Jackie L. Montgomery	Coach Jack Transportation Service	PO Box 70441	Myrtle Beach	SC	29566
22	2014-466-T	Class C Charter Bus	Jackie's Bus Services, LLC		329 Curve Inn Rd	Holly Hill	SC	29059
23	2016-32-T	Class C Non-Emer	Leading The Way Transportation, LLC		1014 Brannon St	Greenwood	SC	29646
24	2012-78-T	Class E HHG	Marcelin Moise	Mr. Moe's Movers	113 Connie Rd	Easley	SC	29642
25	2011-32-T	Class C Charter Bus	Mega Omega Transport Team, LLC		PO Box 54	Cades	SC	29518
26	2013-170-T	Class C Taxi	Michael Fuller	Target Taxi Cab	100 Waihalla Gardens Cir Apt 36	Waihalla	SC	29691
27	2016-50-T	Class C Taxi	Nathaniel Frasier		9 Aiken St	Charleston	SC	29403
28	2002-330-T	Class C Taxi	Petra Qendro		713 63rd Ave N	Myrtle Beach	SC	29572
29	2005-167-T	Class C Charter Bus	Wayne A. Fetner	Fetner Charters	2115 Balfour Street	Augusta	GA	30906
30	1995-223-T	Class C Taxi	William Brightharp		341 Woodview Ave	Spartanburg	SC	29306
31	2016-238-T	Class C Non-Emer	Winstream International, LLC	Winstream Non-Emergency Medical Trsp Services	PO Box 26	Kingstree	SC	29558

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IN RE: Petition of the Office of Regulatory Staff to) PETITION FOR REVOCATION OF
 Revoke Certificates of Public Convenience) CERTIFICATES OF PUBLIC
 and Necessity of Certain Motor Carriers For) CONVENIENCE AND NECESSITY
 Failure to Maintain and File Evidence of) OF CERTAIN MOTOR CARRIERS
 Insurance)

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission"):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. § 58-23-10 *et seq.* (2015 and Supp. 2015); that ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10 *et seq.* (2015 and Supp. 2015).

2. That the companies listed in Exhibit A have been approved by the Commission and certified by ORS to operate as “motor vehicle carriers” as defined in S.C. Code Ann. § 58-23-10(4) (2015) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A, each having applied for and having an Order from the Commission to receive a Certificate of Public Convenience and Necessity ("PC&N") to operate a motor vehicle carrier as defined in S.C. Code Ann. § 58-23-10(4) (2015), have submitted to the jurisdiction of the Commission by holding said Certificate PC&N, and are therefore subject to the jurisdiction of this

Commission pursuant to S.C. Code Ann. § 58-23-1010 *et seq.* (2015 and Supp. 2015). See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance.

4. That the companies listed in Exhibit A, prior to receiving their Certificate PC&N, were each found to be fit, willing and able to operate as a motor carrier by the Commission; from our understanding that in obtaining such authority the companies certified they are “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations.” 10 S.C. Code Ann. Regs. 103-133(4)(a) (2012); further, the companies certified they are “aware of the commission's insurance requirements and the costs associated therewith.” 10 S.C. Code Ann. Regs. 103-133(4)(b) (2012).

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910 (2015).

6. That the companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. § 58-23-910 (2015) and 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012). See Exhibit B, Affidavit of Carole Chauvin.

7. That ORS notified the companies listed in Exhibit A through certified mail, return receipt requested, of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.

8. That “[a] failure to file evidence of insurance, self-insurance or surety bond shall be just cause for the commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier. A failure to keep all insurance, self-insurance, or surety bond in full force and effect shall result in automatic suspension, upon receipt of an affidavit from the ORS with supporting evidence, of the commission's order granting authority, the certificate, and any license issued to the motor carrier....” 10 S.C. Code Ann. Regs. 103-175 (2012); further, that “the [insurance] policy, [surety] bond or certificate of self-insurance...must be kept in full force

and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910 (2015).

9. That “[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria....” 10 S.C. Code Ann. Regs. 103-240 (2012).

10. That “[t]he commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate wilfully made any misrepresentation of a material fact in obtaining his certificate or wilfully violated or refused to observe the laws of this State touching motor vehicle carriers or wilfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal.” S.C. Code Ann. § 58-23-320 (2015).

11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance. See Exhibit B, Affidavit of Carole Chauvin.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Provide for the opportunity by the carrier to respond to the allegations of this Petition within (30) days from the date of receipt of this Petition;

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit A, which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-175 and 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015);
3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015) and thereafter immediately enter a final Order; and,
4. For other appropriate action which the Commission may deem necessary.



C. Lessie Hammonds, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: (803)737-0803
Fax: (803)737-0801
Email: lhammon@regstaff.sc.gov

August 11, 2017
Columbia, South Carolina

Exhibit A - Petition to Revoke Certificates for Failure to Maintain Proof of Current Insurance
August 11, 2017
Docket No. _____

EXHIBIT A
Page 1 of 1

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BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. _____

August 11, 2017

**IN RE: Petition of the Office of Regulatory Staff to Revoke
 Certificates of Public Convenience and Necessity of
 Certain Motor Carriers for Failure to Maintain and
 File Evidence of Insurance**

**AFFIDAVIT OF
CAROLE CHAUVIN**

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.**
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.**
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").**
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.**
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.**
- 6) On August 11, 2017, I examined the business records on file with ORS.**
- 7) As a result of that examination, I attest that the proof of insurance as required by 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012) has not been filed with ORS by the following carriers as of August 11, 2017: (See attached list)**

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, S.C. 29201

Sworn and subscribed before me
this 11th day of August, 2017

Bonnie MacIntosh
Notary Public for South Carolina
My Commission Expires: 7-19-2021